

Date/Time Filed with Registrar of Regulations	VA.R. Document Number: R_____ - _____
	Date of Publication in Virginia Register:

Commonwealth of Virginia

RESPONSE TO PETITION FOR RULEMAKING

Check one: ☒ **Initial Agency Notice** ☐ **Agency Decision**

Regulatory Coordinator: Wendy V. Brown

Telephone: (804) 225-2252

E-mail: wendy.brown@co.dmhmrzas.virginia.gov

Agency Name: State Mental Health, Mental Retardation and Substance Abuse Services Board

Chapters affected:

VAC No. <i>(e.g., 4 VAC 20-490):</i>	Chapter Name <i>(e.g., Regulations Pertaining to Sharks):</i>
12VAC35-115	Rules and Regulations to Assure the Rights of Individuals Receiving Services From Providers of Mental Health, Mental Retardation and Substance Abuse Services

Statutory Authority: §§ 37.2-203 and 37.2-400

Name of petitioner: Steven Shoon

Nature of petitioner's request: Requests that the agency adopt regulations allowing individuals to be present in closed meetings when they are the subject of the meeting. These closed meetings are invoked under certain conditions under §2.2-3711 of the Code and include meetings to discuss or consider medical and mental records, and, personal matters unrelated to public business for privacy protection. The proposed regulatory provisions should be codified at 12VAC35-115-70.

Requests that the agency amend 12VAC35-115-40 to require state facilities to physically post, in a conspicuous place, basic information about the Virginia Freedom of Information Act (VFOIA). This basic information is prescribed in §2.2-3704.1 of the Code. The statute requires state public bodies to post certain information on the internet. This information includes, (i) the rights granted to individuals under VFOIA; (ii) the process for requesting records; (iii) the obligations imposed on state employees by VFOIA; (iv) contact information for receiving assistance and making requests for public records; and (v) commonly used exemptions for VFOIA requests.

INITIAL AGENCY NOTICE

Agency's plan for disposition of the request: The Board will consider the petition and any comments received at its regularly scheduled meeting on January 18, 2006.

Comments may be submitted until November 21, 2005

AGENCY DECISION

☐ **Request Granted**

☐ **Request Denied**

Statement of reasons for decision:

Agency Contact for Further Information:

Name: Wendy V. Brown
Title: Agency Regulatory Coordinator
Address: P.O. Box 1797
Telephone: (804) 225-2252 **Fax:** (804) 371-0092 **Toll Free:** 1- -
E-mail: wendy.brown@co.dmhmrsas.virginia.gov

Date Submitted:
